

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JIMMY L. ADKINS, KEREM BAY, LANA
BONGIOVI, CLEMENT CAMPBELL, ANGELO
CARPOLA, ALEXANDER CIOFFI, PATRICK H.
CRAIN, DAVID CRONK, NANCY F. DEBE, DENNIS
DELUCI, CHARLES J. ENGEL, MATTHEW
FARRELL, BENNY FAILLA, ROBERT J. GIANI,
JOHN R. LACKENBAUER, JEAN-PARNELL LOUIS,
WILLIAM J. MAHER, MICHAEL G. MCDOWELL,
JOHN ROSSI, WILLIAM R. SHANNON, FRED H.
SMITH, GARY E. SOBEK, DAMIAN SOBERS,
CARMELA SZYMANSKI, ANTHONY TANZA and
CYNTHIA TORRES,

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

Case No. 16-cv-00641

D'Aguino v. Garda Cl Atlantic., Inc.

PLEASE TAKE NOTICE that upon the annexed Declaration of Steven J. Moser, Esq. dated June 15, 2023, and the exhibits annexed thereto; the annexed Declaration of John Rossi dated February 3, 2020; and the accompanying Memorandum of Law dated June 15, 2023, and all prior pleadings and proceedings had herein, Plaintiffs Kerem Bay, Lana Bongiovi, Clement Campbell, Alexander Cioffi, Angelo Caropola, Patrick Crain, David L. Cronk, Dennis DeLucie, Charles J. Engel, Benny Failla, Matthew Farrell, Robert Giani, John Lackenbauer, Michael McDowell, William Maher, John Rossi, Gary Sobek, Damian Sobers, and Cynthia Torres (collectively, the “Plaintiffs”), by their attorneys, the Moser Law Firm, PC will move this Court, before the Honorable Joan M. Azrack, U.S.D.J., at the United States Courthouse, 100 Federal Plaza, Central Islip, New York for an order

(1) pursuant to FRCP 60(b)(4), vacating the Order dated August 16, 2018 annexed as Exhibit 3 to the Declaration of Steven J. Moser for lack of jurisdiction;

(2) pursuant to 28 U.S.C § 1447, remanding this action to the Supreme Court of the State of New York, Queens County; and

(3) granting Plaintiffs such other and further relief as this Court may deem just and proper.

Dated: June 15, 2023
Huntington, New York

Respectfully submitted,

Steven J. Moser

Steven John Moser (SM1133)

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Attorneys for Plaintiffs

To: All Counsel of Record, Via ECF